

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD WAYNE WEAVER, JR.,

Plaintiff,

v.

WARDEN,

Defendant.

No. 1:23-cv-01316-KES-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Doc. 9

Plaintiff Donald Wayne Weaver Jr. is proceeding pro se and in forma pauperis in this prisoner action filed pursuant to 42 U.S.C. § 1983. Doc. 1. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 30, 2023, the Court screened Plaintiff's complaint, found no cognizable claim, and granted Plaintiff thirty days to file an amended complaint. Doc. 6. Plaintiff failed to file an amended complaint or otherwise respond to the Court's order. On December 11, 2023, the Court ordered Plaintiff to show cause why the action should not be dismissed. Doc. 7. Plaintiff failed to respond to the order to show cause. Thereafter, on January 5, 2024, the magistrate judge issued Findings and Recommendations recommending dismissal for failure to comply with court orders, failure to prosecute, and failure to state a cognizable claim for relief. Doc. 9. The Findings and Recommendations were served on Plaintiff¹ and contained notice that

¹ In accordance with Local Rule 182(f), mailing is effective service even if mail is returned as undeliverable.

1 objections were to be filed within fourteen days of service. *Id.* at 8. Plaintiff has not filed any
2 objections and the time to do so has passed. *See* docket.

3 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
4 this case. After carefully reviewing the entire file, the Court finds the Findings and
5 Recommendations are supported by the record and proper analysis.

6 Accordingly, it is HEREBY ORDERED:

- 7 1. The Findings and Recommendations issued on January 5, 2024, Doc. 9, are
8 ADOPTED IN FULL.
9 2. This action is DISMISSED without prejudice.
10 3. The Clerk of Court is directed to close this case.

11
12
13 IT IS SO ORDERED.

14 Dated: April 1, 2024

15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT JUDGE